

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SHEFENIA L MAGEE,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of the
Social Security Administration,

Defendant.

Case No. C10-1821-RSM-BAT

**ORDER GRANTING MOTION TO
REMAND AND DIRECTING
STATUS REPORT**

The Court, after careful consideration of plaintiff's complaint, the Commissioner's motion to remand (Dkt. 11), the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, and the balance of the record, does hereby find and

ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) The Commissioner's motion to remand (Dkt.11) is **GRANTED**.
- (3) Upon remand, the Commissioner is directed to promptly prepare or locate a complete certified administrative record.
- (4) If the Commissioner is unable to do so, the Administrative Law Judge is directed to promptly reconstruct the administrative record and hold another hearing and issue another decision.

1 (5) In 90 days from the date of this Order, the parties shall file status reports so the
2 Court can determine whether additional action is warranted.

3 (6) The Court shall retain jurisdiction over this action pending further administrative
4 development of the record pursuant to 42 U.S.C. § 405(g). If the outcome of a de
5 novo hearing is unfavorable to Ms Magee, she may seek judicial review by
6 reinstating this case, rather than filing a new complaint.

7 (7) The Clerk is directed to send copies of this order to the parties and to Judge
8 Tsuchida.

9 DATED this 19th day of May 2011.

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11 RICARDO S. MARTINEZ
12 UNITED STATES DISTRICT JUDGE
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